



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.48594 of 2024
Date of decision: 03.10.2024

KAMALDEEP KAUR ALIAS RAJ KAUR

.... Petitioner

Versus**STATE OF PUNJAB**

.... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. Nishan Singh Chahal, Advocate for the petitioner.
Ms. Ruchika Sabherwal, Sr. D.A.G., Punjab.

MANISHA BATRA, J. (oral)

1. Prayer in this petition, filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS'), is for grant of anticipatory bail to the petitioner in case FIR No.47 dated 14.07.2024 registered under Sections 458, 323, 148, 149 and 120-B of IPC at Police Station Phul, District Bathinda. Offence under Section 325 of IPC has been added later on vide DDR No.40 dated 25.07.2024.

2. Vide order dated 27.09.2024, passed by this Court, the petitioner was granted interim bail and was directed to join investigation. Order dated 27.09.2024, passed by this Court, reads as under:

"The instant petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita (for short- 'BNSS'), 2023 seeking grant of anticipatory bail in case arising out of FIR No.47 dated 14.07.2024 registered under Sections 458, 323, 148, 149 and 120-B of IPC at Police Station Phul, District Bathinda. Offence under Section 325 of IPC has been added later on vide DDR No.40 dated 25.07.2024.

The factual matrix of the case in brief is that on 29.06.2024, on receipt of ruqa from the civil hospital regarding admission of Gurdip Singh and his wife Kuldeep Kaur therein in



an injured condition due to sustaining injuries in some altercation, a Police party reached there and obtained opinion of doctor regarding condition of the injured. The injured Kuldeep Kaur was opined unfit to record any statement. Then on 01.07.2024, opinion of doctor regarding the condition of injured Gurdip Singh had been obtained and he too was opined to be unfit for this purpose. The injured Gurdip Singh ultimately, recorded his statement on 05.07.2024, alleging therein that on 28.06.2024, his daughter-in-law Sukhraj Kaur was beating her minor son and when the complainant refrained her from doing so, she started quarrelling with him and while hurling abuses, tore off his clothing. His wife Kuldeep Kaur intervened and then Sukhraj Kaur made a call to her family members thereby asking them to reach at her matrimonial house and to teach a lesson to the complainant and his wife. To avoid any confrontation, the complainant and his wife went to sleep in their second house situated outside in the vicinity of the village. On the same night, on hearing some noises, he came out of his room and saw, Jagvir Singh @ Jaggu brother of Sukhraj Kaur entering inside his house after scaling over the gate. He was holding a Takua in his hand. He opened the main gate thereby, facilitating entry of the petitioner who is sister of Sukhraj Kaur and other accused namely, Vakil Singh and Charanjit Singh @ Channa who were accompanying 5-6 unknown persons and while hurling abuses to him, opened an assault upon the complainant and caused injuries with the weapons which they were carrying in their hands. The petitioner, Sukhraj Kaur, Charanjit Singh @ Channa extended beatings to his wife Kuldeep Kaur. They raised rescue alarm and then the assailants fled away. The wife of the complainant called Jassa Singh who is their son and then they were taken to the hospital. He stated that his wife was not in a condition to record statement and he too, was operated on his leg and arm and was discharged from the hospital only on 08.07.2024. He also



disclosed that since there were talks about a compromise between the parties, therefore, the matter could not be reported to the Police earlier. On the basis of his statement, the aforementioned FIR was registered. Investigation proceedings have been initiated and are under way. Apprehending her arrest, the petitioner had moved an application for grant of anticipatory bail which had been dismissed by the Court of learned Additional Sessions Judge, Bathinda vide order dated 23.07.2024.

It is argued by learned counsel for the petitioner that she has been falsely implicated in this case. There is delay of 16 days in registration of the FIR which has been utilized by the complainant for concocting a false and fabricated story. It is case of version and cross version. Sukhraj Kaur who is the sister of the petitioner, had already lodged a complaint with the Police and a DDR No.28 dated 03.07.2024 was registered. The FIR of this case was a counter blast to the said complaint. No grievous injury has been attributed to the petitioner. Neither any specific overt act has been attributed to her. The prosecution story is highly improbable and unnatural. She has no motive to commit the alleged crime. In fact, on the fateful night, the complainant along with two unknown persons, had visited the house of Sukhraj Kaur. They were under the influence of liquor and had hurled abuses to Sukhraj Kaur. Her clothing was torn off and she was extended beatings. The wife of the complainant was not at home at that time, however, when she came back, Sukhraj Kaur had informed about the incident to her, then instead of supporting her, she along with the complainant had caused injuries to her. Sukhraj Kaur had disclosed about this incident to her family members and on hearing so, the petitioner along with her other family members had come to the house of Sukhraj Kaur. The complainant and his wife were not even present at home. Sukhraj Kaur was admitted to the hospital and was given treatment. The matter was reported to the Police, though no case was registered. It is further submitted



that the petitioner has permanent abode and there are no chances of her absconding. She is a married woman with a five years old son. She is ready to join the investigation. Her custodial interrogation is not required. Therefore, it is urged that the petitioner deserves to be extended benefit of pre arrest bail.

Notice of motion.

Learned State counsel who has appeared on advance notice of the petition, submits that there are serious allegations against the petitioner and therefore, she does not deserve to be extended benefit of pre-arrest bail.

Adjourned to 03.10.2024.

In the meantime, the petitioner is directed to appear before the Investigating/Arresting Officer to join investigation within one week or as and when subsequently required thereafter. In the event of her arrest, the Investigating/Arresting Officer shall release the petitioner on ad-interim bail subject to his/her satisfaction. The petitioner shall also abide by the conditions as envisaged under Section 482(2) of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023.”

3. Learned State counsel, on instructions from the Investigating Officer, has submitted that the petitioner has joined investigation on 01.10.2024 and he is not required for custodial interrogation.

4. Keeping in view the above mentioned facts and circumstances, without commenting on the merits of the case, the present petition is allowed and the order dated 03.10.2024, granting interim bail to the petitioner, is made absolute, subject to compliance of terms and conditions requisite for grant of anticipatory bail.

(MANISHA BATRA)
JUDGE

03.10.2024
Jyoti-IV

Whether speaking/reasoned: Yes/No.
Whether reportable : Yes/No